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 NORTHERN DISTRICT OF CALIFORNIA

JL

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

Case No.

IC 07 2676

12 ESTECH, Inc.,

13 Plaintiff,

14 v.

15 Guidant Corporation,

16 Defendant.

**COMPLAINT FOR PATENT
 INFRINGEMENT OF U.S. PATENT
 NOS. 6,241,754 B1 AND 7,115,122 B1**

DEMAND FOR JURY TRIAL

17 Plaintiff ESTECH, Inc. ("ESTECH"), for its Complaint against Defendant Guidant
 18 Corporation ("Guidant"), states as follows:

PARTIES

20 1. ESTECH is a corporation organized and existing under the laws of the State of
 21 California and has its principal place of business at 2603 Camino Ramon, Suite 100, San Ramon,
 22 California 94583.

24 2. Upon information and belief, Guidant is a corporation organized and existing under the
 25 laws of the State of Indiana and has its principal place of business at 4100 Hamline Avenue North, St.
 26 Paul, Minnesota 55112-5798.

JURISDICTION AND VENUE

27 3. This is a civil action for patent infringement arising under the Patent Laws of the

¹ United States, 35 U.S.C. §§1, *et seq.* Subject matter jurisdiction is proper under 28 U.S.C. §§1331 and 1338(a).

3 4. Venue is proper in this district under 28 U.S.C. §§1400(b) and 1391(b) for at least the
4 reason that Guidant resides in this district as defined in §1391(c) because it is subject to personal
5 jurisdiction in this district.

FIRST CLAIM

(Infringement of U.S. Patent No. 6,241,754 B1)

8 5. U.S. Patent No. 6,241,754 B1, entitled "Composite Structures and Methods for
9 Ablating Tissue to Form Complex Lesion Patterns in the Treatment of Cardiac Conditions and the
10 Like" ("the '754 Patent"), was duly and lawfully issued on June 5, 2001. A true and correct copy of
11 the '754 Patent is attached hereto as Exhibit A.

12 6. ESTECH is the exclusive licensee of the '754 Patent, and thus has standing to sue for
13 infringement of the '754 Patent.

14 7. Guidant has infringed and continues to infringe, directly, contributorily, and/or by
15 inducement of others, the '754 Patent by making, using, selling, offering for sale, and/or importing
16 products and/or services covered by the claims of the '754 Patent in violation of 35 U.S.C. §271.

17 8. Guidant's infringement of the '754 Patent has caused and continues to cause damage to
18 ESTECH in an amount to be determined at trial. Guidant's infringement will continue to cause
19 immediate and irreparable harm to ESTECH for which there is no adequate remedy at law, unless this
20 Court enjoins and restrains such activities.

21 9. Upon information and belief, Guidant's infringement of the '754 Patent has been and is
22 willful and deliberate, entitling ESTECH to enhanced damages pursuant to 35 U.S.C. §284, and to an
23 award of attorneys' fees and costs incurred in prosecuting this action pursuant to 35 U.S.C. §285.

SECOND CLAIM

(Infringement of U.S. Patent No. 7,115,122 B1)

27 10. U.S. Patent No. 7,115,122 B1, entitled "Composite Structures and Methods for
28 Ablating Tissue to Form Complex Lesion Patterns in the Treatment of Cardiac Conditions and the

1 Like" ("the '122 Patent"), was duly and lawfully issued on October 3, 2006. A true and correct copy
 2 of the '122 Patent is attached hereto as Exhibit B.

3 11. ESTECH is the exclusive licensee of the '122 Patent, and thus has standing to sue for
 4 infringement of the '122 Patent.

5 12. Guidant has infringed and continues to infringe, directly, contributorily, and/or by
 6 inducement of others, the '122 Patent by making, using, selling, offering for sale, and/or importing
 7 products and/or services covered by the claims of the '122 Patent in violation of 35 U.S.C. §271.

8 13. Guidant's infringement of the '122 Patent has caused and continues to cause damage to
 9 ESTECH in an amount to be determined at trial. Guidant's infringement will continue to cause
 10 immediate and irreparable harm to ESTECH for which there is no adequate remedy at law, unless this
 11 Court enjoins and restrains such activities.

12 14. Upon information and belief, Guidant's infringement of the '122 Patent is willful and
 13 deliberate, entitling ESTECH to enhanced damages pursuant to 35 U.S.C. §284, and to an award of
 14 attorneys' fees and costs incurred in prosecuting this action pursuant to 35 U.S.C. §285.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, ESTECH prays for relief as follows:

17 A. That judgment be entered in favor of ESTECH that the '754 and '122 Patents are valid
 18 and infringed by Guidant;

19 B. That ESTECH be granted an accounting of all damages sustained as a result of
 20 Guidant's infringement;

21 C. That ESTECH be awarded actual damages together with prejudgment and post-
 22 judgment interest according to proof, and enhanced damages pursuant to 35 U.S.C. §284;

23 D. For a preliminary and permanent injunction enjoining Guidant's acts of infringement
 24 and those of its officers, agents, servants, employees, subsidiaries and any persons acting in concert
 25 with Guidant, including related individuals and entities, customers, and representatives;

26 E. That ESTECH be awarded attorneys' fees and costs pursuant to 35 U.S.C. §285 or as
 27 otherwise provided by law; and

28 F. For such other and further relief as the Court deems just and proper.

1 **DEMAND FOR JURY TRIAL**

2 Pursuant to the Federal Rules of Civil Procedure, ESTECH respectfully demands a trial by
3 jury.

4 DATED: May 21, 2007

5 Respectfully submitted,

6 TOWNSEND and TOWNSEND and CREW LLP

7 By:

8 Anne M. Rogaski
Matthew R. Hulse

9 Attorneys for Plaintiff
10 ESTECH, Inc.

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